

CASCADE COUNTY ZONING BOARD OF ADJUSTMENT

Meeting Minutes
Thursday April 18, 2019
9:00 AM
Room #105, Courthouse Annex
Cascade County Commissioners Chambers

Board Members: Bill Austin, Charles Kuether, Leonard Reed, Rob Skawinski, Michele Levine

Notice: Pursuant to MCA 2-3-212(1), the official record of the minutes of the meeting is in audio form, located at cascadecountymt.gov and the Planning Office. This is a written record of this meeting to reflect all the proceedings of the Board. MCA 7-4-2611 (2) (b). Timestamps are indicated in red, within each agenda item below, and will direct you to the precise location should you wish to review the audio segment.

These minutes are paraphrased and reflect the proceedings of the Zoning Board of Adjustment. These minutes are considered a draft until the Zoning Board of Adjustment approves them.

STAFF ATTENDEES: Carey Haight, Anna Ehnes and Destiny Gough

PUBLIC ATTENDEES: Tim Wilkinson

1. CALL TO ORDER: CHAIRMAN BILL AUSTIN CALLED THE MEETING TO ORDER AT 9:03 AM

2. ROLL CALL

BOARD MEMBERS PRESENT: Bill Austin, Leonard Reed, Michele Levine, Charles Kuether, and Rob Skawinski

BOARD MEMBERS ABSENT: None

3. APPROVAL OF MINUTES: MARCH 28, 2019

Bill Austin (00:00:21) says that there was a bit of discussion already before the meeting in regard to the minutes. However, they still need to decide on a motion to approve or disapprove the minutes.

Charles Kuether (00:00:30) says, "On page six (6) [...] on the bottom of the page, marked timewise (00:50:42) under my name, it [says] that the board adopted the staff report as approved. [...] We are asking the report the staff put out under the approval section be adopted; and I had asked a change [to] be made [to] Section one (1) to read that the applicant obtains approval from the City-County Health Department for a change of use. This includes any necessary steps taken and to ensure that the septic system properly be sized for the proposed use not the language that was in the staff report. [...] My understanding is that [the

letter that went out to the applicant]reflects that change, but the minutes were not correct. So, I would like to have the minutes corrected.”

Bill Austin agrees.

Charles Kuether motion to approve with the revisions mentioned and agreed upon by the board members.

Michele Levine seconded the motion

All in favor; motion carries 5-0

4. NEW BUSINESS:

A. SUP 003-2019, Second Dwelling/Townhouse – Wilkinson

The Zoning Board of Adjustment members, Carey Haight, and Anna Ehnes discuss how this meeting will operate for the ‘New Business’ agenda topic of discussion. ‘New Business’ will start with one (1) staff report read by Anna Ehnes for all three Special Use Permits (SUPs) for Tim Wilkinson. To avoid confusion between each Special Use Permit, Anna Ehnes will reflect all differences of each SUP to the board members. Each SUP presented has its own separate application and motion. Furthermore, there will be one (1) public hearing for all three (3) SUPs. In the public hearing, commenters can specify which SUP that they are commenting on. ‘New Business’ will end with the board members deciding on a motion of approval or disapproval for every single SUP.

1. Staff Report by Anna Ehnes

SUP 003-2019 - Second Dwelling Motions:

- A. **Alternative 1:** Move the Special Use Permit to allow the placement of a Townhome on Lot 7, Block 6, Phase 7, Spring Tree Ridge, Cascade County, MT **be denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied).

OR

- B. **Alternative 2:** Move the Board adopt the staff report and findings of fact, and **approve** the Special Use Permit to allow the placement of a Townhome on Lot 7, Block 6, Phase 7, Spring Tree Ridge, Cascade County, MT subject to the following conditions:

1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
2. Applicant obtains addresses from Cascade County Public Works / GIS / Mapping Addressing for E911 purposes.
3. Applicant obtains approval for septic permit from City-County Health Department to install septic system.
4. Obtain an approved DEQ Subdivision rewrite of Certificate of Subdivision Approval, EQ #09-1229, dated 8-11-08, for lot 7 to modify the previously approved water, wastewater, and stormwater facilities.

SUP 004-2019 - Second Dwelling Motions:

- A. **Alternative 1:** Move the Special Use Permit to allow the placement of a Townhome on Lot 8, Block 6, Phase 7, Spring Tree Ridge, Cascade County, MT **be denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied).

OR

- B. **Alternative 2:** Move the Board adopt the staff report and findings of fact, and **approve** the Special Use Permit to allow the placement of a Townhome on Lot 8, Block 6, Phase 7, Spring Tree Ridge, Cascade County, MT subject to the following conditions:
1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
 2. Applicant obtains addresses from Cascade County Public Works / GIS / Mapping Addressing for E911 purposes.
 3. Applicant obtains approval for septic permit from City-County Health Department to install septic system.
 4. Obtain an approved DEQ Subdivision rewrite of Certificate of Subdivision Approval, EQ #09-1229, dated 8-11-08, for lot 8 to modify the previously approved water, wastewater, and stormwater facilities.

SUP 005-2019 - Second Dwelling Motions:

- A. **Alternative 1:** Move the Special Use Permit to allow the placement of a Townhome on Lot 9, Block 6, Phase 7, Spring Tree Ridge, Cascade County, MT **be denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied).

OR

- B. **Alternative 2:** Move the Board adopt the staff report and findings of fact, and **approve** the Special Use Permit to allow the placement of a Townhome on Lot 9, Block 6, Phase 7, Spring Tree Ridge, Cascade County, MT subject to the following conditions:
1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
 2. Applicant obtains addresses from Cascade County Public Works / GIS / Mapping Addressing for E911 purposes.
 3. Applicant obtains approval for septic permit from City-County Health Department to install septic system.
 4. Obtain an approved DEQ Subdivision rewrite of Certificate of Subdivision Approval, EQ #09-1229, dated 8-11-08, for lot 9 to modify the previously approved water, wastewater, and stormwater facilities.

2. Board Discussion & Action

Anna Ehnes (00:17:31) asks Carey Haight if the motions need to be read and approved at separate times from each other; or if the motions can all be read first and then approved after.

Carey Haight (00:17:36) says she finds that the decision is up to the board. She says that her personal opinion is to handle each motion separately as it could be an easy method.

Bill Austin (00:17:43) says that he agrees with having the different motions read separately.

Anna Ehnes (00:17:45) agrees.

Michele Levine (00:17:52) asks if the motions only vary by the lot number.

Anna Ehnes (00:18:10) says yes.

Michele Levine (00:18:15) says that she is fine with combining, as it is simple.

Leonard Reed (00:18:22) says that he agrees as all the lots are found beside each other.

Bill Austin (00:18:27) says that in the past when they did combine, it became challenged.

Michele Levine (00:18:37) understands that Bill Austin means to say that if someone challenges the motion, they would be challenging all three (3) motions versus one (1) motion.

Tim Wilkinson at 75 Spring Ridge Dr. Great Falls, MT 59404 (00:18:58) says that he had a couple of units approved last year and that he is here to answer any questions from the board and public.

Leonard Reed asks if those units had any basements. Tim Wilkinson replied by stating that they do not, but they do have crawlspaces.

Michele Levine (00:19:51) asks if these townhomes are more desirable to the type of buyer that he is looking for.

Tim Wilkinson (00:20:03) says that they decided to do a townhouse as it is just another product that they can offer to potential buyers.

Charles Kuether (00:20:32) asks a question regarding page two (2) of the staff report. It states that the land is Tim Wilkinson's land and on the next page it states it is Emma Wilkinson's land. He asks if they should change the language to say that this is land that Tim Wilkinson is proposing to develop.

Anna Ehnes (00:20:54) says that Tim Wilkinson is the applicant and personal representative of the Estate of Emma Wilkinson. The current landowner is the Estate of Emma Wilkinson. It is up to the board whether to change the written staff report or not.

Carey Haight (00:21:46) says that she agrees that the board can change the text if they so desire. She personally does not find that the text will make a substantial difference if changed or left unchanged. Furthermore, she says that she does view it as a misprint.

Charles Kuether (00:22:10) agrees that if it does not make a substantial change then they do not need to change it.

Public Hearing opened 9:25 AM

Bill Austin asked for proponents: none

Bill Austin called for opponents: none

Public Hearing closed at 9:26 AM

Board Discussion and Decision

Charles Kuether (00:23:41) moves the Board adopt the staff report and findings of fact, and **approve** the Special Use Permit to allow the placement of a Townhome on Lot 7, Block 6, Phase 7, Spring Tree Ridge, Cascade County, MT subject to the following conditions...

Leonard Reed seconds the motion for approval.

All in favor, motion carries 5-0.

Charles Kuether (00:24:15) moves the Board adopt the staff report and findings of fact, and **approve** the Special Use Permit to allow the placement of a Townhome on Lot 8, Block 6, Phase 7, Spring Tree Ridge, Cascade County, MT subject to the following conditions...

Michele Levine seconds the motion for approval.

All in favor, motion carries 5-0.

Charles Kuether (00:24:25) moves the Board adopt the staff report and findings of fact, and approve the Special Use Permit to allow the placement of a Townhome on Lot 9, Block 6, Phase 7, Spring Tree Ridge, Cascade County, MT subject to the following conditions...

Michele Levine seconds the motion for approval.

All in favor, motion carries 5-0.

5. OLD BUSINESS: NONE

6. PUBLIC COMMENTS REGARDING MATTERS: NONE

7. BOARD MATTERS:NONE

8. ADJOURNMENT:

Leonard Reed made a motion to adjourn

Michele Levine seconded the motion

All in favor, meeting adjourned at 09:29 AM